

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.701 OF 1989

DENA Bank Plaintiff

versus

Sunit C. Khatau & another Defendants

Ms.Nima Kapadia i/by Pandya Gandi & Co. for plaintiff.

Ms.Najma Shaikh i/by Vigil Jons for defendants.

Shri A.M.Kazi, Dy.Sheriff present.

Shri D.R.Patil, representative of Court Receiver is present.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd March 2006

PC :

1. Heard Ms.Kapadia for plaintiff and Ms.Najma Shaikh appearing for the defendants.

2. Learned counsel agree that the plaintiff bank has accepted a sum of Rs.20.00 lakh (Rs.Twenty Lakh only) in full and final settlement of the decree passed in it's favour in the above summary suit. The amount has been paid over and both counsel agree that the decree be marked satisfied in full.

3. Learned counsel appearing for the plaintiff,

therefore, seeks liberty to withdraw all execution applications and proceedings. She submits that the bank now desires that the Court Receiver appointed at it's instance, in this suit, in execution, be discharged without passing accounts but on payment of usual costs, charges and expenses. So also the attachment levied on some shares by the Sheriff be raised by consent of parties. The learned counsel for plaintiff further states that the Sheriff's poundage as per Rules would be paid by the plaintiff bank and thereupon delivery of shares be effected to the parties entitled to it them.

4. In the light of the aforesaid agreement and satisfaction of the decree in full, the Court Receiver stands discharged without passing accounts but upon payment of usual costs, charges and expenses. He shall hand over physical possession, if taken, to the parties entitled to the same. Similarly, the Sheriff to act upon the above understanding after receipt of poundage. Parties including all authorities to act on an authenticated copy of this order duly issued by the Registry.

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(S.C.DHARMADHIKARI, J.)